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ACTION WHA-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	FBIE-00
	UTED-00	VC-00	H-01	TEDE-00	INR-00	IO-00	L-00
	VCE-00	AC-01	NSAE-00	NSCE-00	OIC-02	OIG-03	OMB-01
	OPIC-01	PA-00	PM-00	PRS-00	ACE-00	P-00	SP-00
	IRM-00	STR-00	TEST-00	TRSE-00	USIE-00	PMB-00	DSCC-00
	PRM-01	DRL-02	G-00	NFAT-00	SAS-00	/012W	
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FM AMEMBASSY LIMA  
TO SECSTATE WASHDC PRIORITY 2048  
AMEMBASSY TOKYO  
AMEMBASSY CARACAS  
AMEMBASSY LA PAZ  
AMEMBASSY QUITO  
AMEMBASSY SANTIAGO  
AMEMBASSY BUENOS AIRES  
AMEMBASSY ASUNCION  
AMEMBASSY MONTEVIDEO  
AMEMBASSY BOGOTA  
AMEMBASSY BRASILIA  
AMEMBASSY MADRID  
USCINCSO MIAMI FL

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SIPDIS

SANTIAGO ALSO FOR LEGATT

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SENSITIVE

E.O. 12958: DECL: N/A  
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SUBJECT: SUPREME COURT INDICTS FUJIMORI

1. (U) SUPREME COURT JUDGE JOSE LECAROS INDICTED FORMER PRESIDENT ALBERTO FUJIMORI SEPTEMBER 13 FOR HIS ALLEGED COMPLICITY IN THE BARRIOS ALTOS (1991) AND LA CANTUTA (1992) KILLINGS AS WELL AS THE 1997 MURDER OF NATIONAL INTELLIGENCE SERVICE AGENT MARIELLA BARRETO. BEGINNING THE INVESTIGATIVE (INSTRUCTION) PHASE OF THE TRIAL, LECAROS WILL FORMULATE IN THE COMING DAYS AN OFFICIAL REQUEST FOR INTERPOL TO LOCATE FUJIMORI AND ASSIST IN HIS DETENTION. (PRESS REPORTS INDICATE HE HAS ALREADY DONE SO.)

2. (U) THE INDICTMENT FOLLOWS THE LIFTING OF FUJIMORI'S IMMUNITY BY CONGRESS IN AUGUST. TWO WEEKS AGO, ATTORNEY GENERAL NELLY CALDERON FILED THE CHARGES AGAINST THE FORMER PRESIDENT. THE PROSECUTOR WORKING ON THE CASE ALLEGES THAT FUJIMORI USED HIS INFLUENCE TO IMPEDE CONGRESSIONAL INVESTIGATION OF THE KILLINGS AND GRANTED AMNESTY TO THE PERSONS RESPONSIBLE.

3. (U) UNDER PERUVIAN PROCEDURES, CHARGES AGAINST A PRESIDENT MUST BE HANDLED BY THE SUPREME COURT. (CASES AGAINST LEGISLATORS OR MINISTERS GO TO SUPERIOR COURT FOR INVESTIGATION AND ADJUDICATION.) ONE OF ITS JUDGES, USUALLY THE LEAST SENIOR, ACTS AS A JUDGE OF INSTRUCTION TO REVIEW THE EVIDENCE. WHEN THE JUDGE COMPLETES THIS INVESTIGATIVE PHASE, HE SUBMITS THE CASE TO THE COURT FOR  
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TRIAL, IF WARRANTED. THE ACCUSED CAN BE TRIED IN ABSENTIA, THOUGH SENTENCING -- IF FOUND GUILTY -- WAITS UNTIL THE PERSON IS IN CUSTODY.

4. (SBU) COMMENT: PERUVIANS, CHARACTERIZING FUJIMORI'S ALLEGED COMPLICITY AS CRIMES AGAINST HUMANITY, SEE THE INDICTMENT AS ANOTHER STEP TOWARD THE FORMER PRESIDENT'S EXTRADITION. JAPAN, HOWEVER, HAS REITERATED THAT IT WILL NOT EXTRADITE FUJIMORI. THE EVIDENCE THAT HAS CARRIED THE CHARGES AGAINST FUJIMORI THIS FAR IS LARGELY CIRCUMSTANTIAL. NONETHELESS, IT IS LIKELY THAT LECAROS WILL CONCLUDE THAT THERE IS SUFFICIENT EVIDENCE TO PROCEED WITH A TRIAL.

HAMILTON

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